

MEETING NO. 19
September 15, 2004

ERIE COUNTY LEGISLATURE

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The Legislature was called to order by Chairman Holt.

All Members Present.

A moment of silence was held.

The Pledge of Allegiance was led by Mr. McCarville.

Item 1 – CHAIRMAN HOLT directed that Comm. 7M-5 (2004) remain on the table.

Item 2 – No items for reconsideration from the previous meeting.

Item 3 – MS. MARINELLI moved the approval of the Minutes for Meetings No. 16 & 17 of 2004. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. CHASE presented a resolution Honoring the Life of William H. Launder, President of Lake View Community Association, Past President of Lake View Volunteer Fire Assoc. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 6 – MR. DEBENEDETTI presented a resolution Honoring Florence O'Brien on her 90th Birthday. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 7 – MR. McCARVILLE presented a resolution Welcoming Bishop Edward Kmiec of Nashville, Tennessee as the Thirteenth Bishop of the Diocese of Buffalo. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 8 – MR. HOLT presented a resolution Recognizing September as National Square Dance Month. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 9 – MR. HOLT presented a resolution In Memory of Rev. James D. Gray. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 10 – MR. DUSZA presented a resolution Honoring St. Lawrence Church upon Celebrating its 75th Anniversary. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 11 – DUSZA presented a resolution Honoring Jim A. Duncan Jr. upon his retirement from the New York State Community Action Program. MS. MARINELLI seconded.

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CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 12 – MR. DEBENEDETTI presented a resolution Celebrating the retirement of Mr. Chester Walczak as Chief Biochemist in the Chemistry Laboratory at Erie County Medical Center. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 13 – MR. DEBENEDETTI presented a resolution Celebrating the retirement of Ms. Nancy Corriere Chief Biochemist Technician in the TB Lab at Erie County Medical Center. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 14 – MR. WROBLEWSKI presented a resolution In Memory of Deputy Todd Fatta former Western New York resident killed in the line of duty in South Florida. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 15 – MS. MARINELLI presented a resolution Honoring Dr. Lora Warkentin as “Woman of the Year 2004” by the Business and Professional Women of Buffalo. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

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MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the above eleven resolutions as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 16 – MS. MARINELLI moved to receive and file Local Law Intro. No. 1 (Print #2) 2003. MR. RANZENHOFER seconded.

GRANTED.

Item 17 – CHAIRMAN HOLT directed that Local Law Intro. No. 7 (Print #1) 2003 remain on the table.

GRANTED.

Item 18 – CHAIRMAN HOLT directed that Local Law Intro. No. 4 (Print #1) 2004 remain on the table.

GRANTED.

Item 19 – CHAIRMAN HOLT directed that Local Law Intro. No. 10 (Print #1) 2004 be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

Item 20 – CHAIRMAN HOLT directed that Local Law Intro. No. 11 (Print #1) 2004 remain on the table.

GRANTED.

COMMITTEE REPORTS

None.

LEGISLATORS RESOLUTIONS

Item 21 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 379

Re: Opposition to State Action
 Penalizing City, Town & Village
 Governments in Traffic Plea Bargaining.
 (Intro. 19-1)

A RESOLUTION SUBMITTED BY
 LEGISLATOR WROBLEWSKI

WHEREAS, for decades, local judicial authorities in towns and villages across New York State have routinely allowed certain individuals, cited for specific traffic moving violations, usually speeding, to plea bargain and to plead guilty to non-moving violations such as parking violations, and

WHEREAS, through that action, and the change of citation and conviction from a moving to a non-moving violation, the local governments have been able to retain the fine levied against the individuals and use such revenue in their budgeting, and

WHEREAS, such an action benefits the local government through the receipt of revenue, and such an action benefits the drivers through the ability to avoid a recorded mark on their driving record and correspondingly higher automobile insurance premiums, and

WHEREAS, in the 2004-2005 New York State Budget, approved recently by the State Legislature and signed into law by the Governor, such fees, which take effect on September 1, 2004, would no longer go to the local municipalities, but to the State, and

WHEREAS, according to published reports, that action would shift between \$12 million and \$22 million in annual recurring revenue from local governments to the State – yet another instance of the State imposing punitive mandates on local governments, and

WHEREAS, according to local government and judicial authorities, the loss of such revenue would lead to higher property taxes in towns and would lead local governments to create new localized traffic surcharges and fines to recoup the revenue, reflected for instance, in the recent action by the Village of Alden Board to approve a \$10 surcharge on violations,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its opposition to this State action – the latest in a series of punitive State mandates that penalize and harm local governments – and calls on the State Legislature and Governor George Pataki to revisit this rule change once they reconvene in September 2004 and to terminate the measure, and be it further

RESOLVED, that certified copies of this resolution be transmitted to Governor George Pataki, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, to the local delegation of the New York State Legislature, and to the supervisors/mayors and town/village boards of each municipality in Erie County.

Fiscal Impact: None for this resolution.

MR. SWANICK moved to amend the resolution to include Et Al Sponsorship. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved to further amend the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

- **ADD** the following **RESOLVE** Clause as the new second (2nd) **RESOLVE**:

RESOLVED, that the Erie County Legislature acknowledges and expresses its appreciation to Assemblymen Paul Tokasz, Brian Higgins and Sam Hoyt for introducing and sponsoring legislation in the State Assembly to rescind the state budget language to allow local municipalities to retain revenue from certain tickets issued by law enforcement, and calls on Governor Pataki and the State Senate to respectively and formally approve of this measure, and be it further

MR. RANZENHOFER moved to further amend the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

- **ADD** the following to the new second (2nd) **RESOLVE**:

to Assemblymen and Senators Paul Tokasz, Brian Higgins, Sam Hoyt, Mary Lou Rath, Dale Volker, Sandra Lee Wirth, and Byron Brown for introducing and sponsoring legislation in the State Assembly and State Senate to rescind the state budget language to allow local municipalities to retain revenue from certain tickets issued by law enforcement, and calls on Governor Pataki and the State Senate to respectively and formally approve of this measure, and be it further

MS. MARINELLI moved the approval of the resolution as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 22 – CHAIRMAN HOLT directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 19-2 From LEGISLATOR MARSHALL Re: Restoring a Senior Account Clerk Position in Youth Services.

Item 23 – CHAIRMAN HOLT directed that the following resolution be referred to the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Intro. 19-3 From LEGISLATOR WEINSTEIN Re: Protocol for Addressing Allegations Brought to Erie County Legislators.

Item 24 – CHAIRMAN HOLT directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 19-4 From LEGISLATORS RANZENHOFER & MARSHALL Re: 2004 Road Repair List.

Item 25 – CHAIRMAN HOLT directed that the following resolution be referred to the ECONOMIC DEVELOPMENT COMMITTEE.

GRANTED.

Intro. 19-5 From LEGISLATORS SWANICK & CHASE Re: Request to Obtain EC's Full Share of FYE 2005 CHIPs Funding for EC DPW 2004 Road Program.

Item 26 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 380

Re: Addressing the Health Threat Posed by *Heracleum Mantegazzianum* (Giant Hogweed). (Intro. 19-6)

A RESOLUTION SUBMITTED BY LEGISLATOR MARSHALL

WHEREAS, *Heracleum Mantegazzianum*, which is commonly referred to as “Giant Hogweed”, is infesting riparian areas, abandoned lots, right-of-ways and roadsides in Erie County, and

WHEREAS, *Heracleum Mantegazzianum*, which is indigenous to the Caucasus Mountains and southwestern Asia, was transported to the United States in the early 20th century as a unique garden plant, and

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WHEREAS, Giant Hogweed escaped containment in private gardens and naturalized in many states, including: Massachusetts, Pennsylvania, Washington and New York, and

WHEREAS, *Heracleum Mantegazzianum* is a member of the parsley family and in some ways resembles the native and non-threatening *Heracleum lanatum* (commonly referred to here as Cows Parsnip), which can be found readily in Erie County, and

WHEREAS, Giant Hogweed is distinguished from Cows Parsnip by its 2 to 4 inches in diameter stem that has dark purple markings, as well as by its ability to grow to a heights of 10 to 15 feet when in flower, and

WHEREAS, Giant Hogweed is on the Federal as well as many state's noxious weed lists because it presents a serious public health risk to those who come in contact with the clear watery sap found on the plants stem and leaves and the ultraviolet rays of the sun, and

WHEREAS, individuals that do come in contact with Giant Hogweed and the sun suffer symptoms that include severe skin irritation, including blistering equivalent to a second degree burn and permanent scarring, and

WHEREAS, the public must be made aware of the threat of coming in contact with Giant Hogweed and the County of Erie has an obligation to eradicate Hogweed from all county land,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature is committed to addressing issues of public safety and public health, and be it further

RESOLVED, is committed to working with the New York State Department of Agriculture and Markets and the Cornell Extension to monitor all areas affected by Giant Hogweed in Erie County and make that information readily available to the public, and be it further

RESOLVED, that this Honorable Body supports efforts by the Erie County Department of Public works efforts to eradicate Giant Hogweed from all county land, and be it further

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$1,000 from Erie County Legislature's Contractual Account (General Ledger Account 516000, Cost Center 1341010) to the Erie County Department of Public Works Maintenance & Repair Supplies Account (General Ledger Account 506200, Cost Center 1231010) for the purposes of controlling the spread and the eradication of Giant Hogweed from all county owned land, and be it further

RESOLVED, that this Honorable Body asks the Erie County Department of Health to research local cases of Giant Hogweed and to consider a public awareness campaign that will address the consequences of coming in contact with Giant Hogweed and the sun, and

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RESOLVED, that certified copies of this resolution be forwarded that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Department of Public Works Commissioner Maria Lehman & Deputy Commissioner Gerald Sentz; Sally Cunningham of the Cornell Cooperative Extension and Public Benefit Administrators of the Erie County Legislature Laurie A. Manzella and Crystal L. Quick.

Fiscal Impact: To Be Determined.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 27 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 381

Re: Consideration for Public Benefit
Funding. (Intro. 19-7)

A RESOLUTION SUBMITTED BY
LEGISLATOR RANZENHOFER

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

WHEREAS, on July 8, 2004, the Erie County Legislature unanimously approved Intro. 16-5, designating the Akron Community Band to receive an application for Public Benefit Funding, and,

NOW, THEREFORE, BE IT

RESOLVED, the designation for the Akron Community Band per Intro. 16-5 (2004) be reallocated to a new and proper designation per the passage of this resolution, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSORS
Town Of Newstead	\$5,000	RANZENHOFER

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Town of Amherst (Rodent Control)	\$1,000	RANZENHOFER
Clarence Swim Club, Inc.	\$5,000	RANZENHOFER
TOTAL		\$11,000

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators of the Erie County Legislature Laurie A. Manzella and Crystal L. Quick; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimeri.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 28 – MR. SWANICK presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 382

Re: Consideration for Public Benefit
Funding. (Intro. 19-8)

A RESOLUTION SUBMITTED BY
LEGISLATOR SWANICK

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

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NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSORS
Town of Grand Island	\$300	SWANICK
City of Tonawanda	\$500	SWANICK
TOTAL	\$800	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Department of Public Works Commissioner Maria Lehman & Deputy Commissioner Gerald Sentz; Public Administrator of the Erie County Legislature; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MR. SWANICK moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 29 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 383

Re: Consideration for Public Benefit
Funding. (Intro. 19-9)

A RESOLUTION SUBMITTED BY
LEGISLATOR WEINSTEIN

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No. 3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

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WHEREAS, on February 5, 2004, the Erie County Legislature unanimously approved Intro. 4-8, as amended, designating the Lehigh Valley Railroad Depot to receive an application for Public Benefit Funding, and,

NOW, THEREFORE, BE IT

RESOLVED, the designation for the Lehigh Valley Railroad Depot per Intro. 4-8 (2004) be reallocated to a new and proper designation per the passage of this resolution, and be it further

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Town of Amherst	\$1,000	WEINSTEIN
Western New York Railway Historical Society, Inc.	\$1,000	WEINSTEIN
Village of Williamsville	\$10,000	WEINSTEIN
Mel Ott Little League	\$3,300	WEINSTEIN
TOTAL	\$15,300	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None

MR. RANZENHOFER moved the approval of the resolution. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

Item 30 – MR. RANZENHOFER presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 384

Re: Consideration for Public Benefit
 Funding. (Intro. 19-10)

A RESOLUTION SUBMITTED BY
 LEGISLATOR MARSHALL

WHEREAS, the Legislature set aside Public Benefit Funds in the 2004 Erie County Budget for community organizations and government agencies deemed worthy by the Legislature and for purposes allowable under N.Y. County Law and Erie County Local Law No.3-2002, and

WHEREAS, organizations will only be granted Public Benefit Funds upon successful completion of the application process and subsequent approval by the County Attorney of a contract between the County of Erie and the organization,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize an application to be sent out for Public Benefit Funding to the following organizations:

NAME OF ORGANIZATION	RECOMMENDED AMOUNT	SPONSOR
Wales Center Fire Company	\$2,800	MARSHALL
EMW Soccer	\$15,000	MARSHALL
TOTAL	\$17,800	

And be it further

RESOLVED, that upon successful completion of the Public Benefit application process and subsequent approval by the County Attorney of a contract between the County of Erie and cited agency, the Erie County Legislature will pass a resolution enabling the transfer of such funds for use by the cited agency; and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Administrator of the Erie County Legislature; Laurie A. Manzella, Erie County Legislature; and Assistant County Attorneys Susannah M. Bochenek & Melissa O. Heimerl.

Fiscal Impact: None for Resolution

MR. RANZENHOFER moved the approval of the resolution. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

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Item 31 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 385

Re: Funding for Ellicott Creek Clean
Up. (Intro. 19-11)

A RESOLUTION SUBMITTED BY
LEGISLATOR CUSACK

WHEREAS, Ellicott Creek is one of our community's great natural waterways providing nearby residents and patrons of Erie County's Ellicott Creek Park a beautiful backdrop, fishing destination and venue for local boaters, and

WHEREAS, every year, the creek, because of its natural terrain and vegetation, becomes over populated with weeds and thus stagnant with algae creating an unpleasant odor and possible health risk, and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the transfer of \$7,500 from Erie County Legislature's Contractual Account (General Ledger Account 516000, Cost Center 1341010) to the Erie County of Parks & Recreation Ellicott Creek Park Account (General Ledger Account 516020, Cost Center 1641030) for the purposes of the annual harvesting of overgrown weeds, algae and debris from Ellicott Creek, and be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Joel A. Giambra; County Comptroller Nancy A. Naples; Budget Director Joseph Passafiume; Public Benefit Administrators of the Erie County Legislature Laurie A. Manzella and Crystal L. Quick; and Commissioner of Parks & Recreation Larry Jasinski.

Fiscal Impact: To Be Determined

MS. MARINELLI moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 32 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

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RESOLUTION NO. 386

Re: Erie County Government's Role in
Developing & Fostering International
Trade. (Intro. 19-12)

A RESOLUTION SUBMITTED BY
LEGISLATORS DEBENEDETTI, MARINELLI AND SMITH

WHEREAS, the Buffalo-Niagara region is one of the most important international trade corridors in the country and in the world, with some \$81 billion in annual trade between Canada and the United States facilitated across the region's six international bridges, and

WHEREAS, in March 2002, the Erie County Legislature, upon a request from the County Executive, approved changes to a long-vacant position in the Department of Environment and Planning, special assistant to the commissioner (RPT), allowing the County Executive to hire a new person for that job, and

WHEREAS, the County Executive requested special, additional salary and benefits for that position that now total approximately \$85,000 per year, and

WHEREAS, the County Executive, in creating the new position, stated "this position is necessary to assist the Commissioner in developing policies and programs to enhance the County's efforts in the area of economic development, with its attendant benefits of job creation and retention," and

WHEREAS, the Commissioner of Environment and Planning stated in March 2002 that the special assistant would devote his time to promoting international trade opportunities to businesses in the Toronto area, jointly developing a foreign trade license granted to Erie County by the federal government, and developing intermodal transportation industrial parks linking Canadian rail and truck corridors with their counterparts in Erie County,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby requests that the Special Assistant to the Commissioner of Environment and Planning, Robert Boryszewski, appear at a future meeting of the Legislature's Economic Development Committee to brief the Committee on his progress to-date on promoting international trade in Erie County and in developing new jobs in our area, and be it further

RESOLVED, that certified copies of this resolution be submitted to the County Executive, the Commissioner of Environment and Planning, and the Special Assistant to the Commissioner of Environment and Planning.

Fiscal Impact: None for this resolution.

MS. MARINELLI moved the approval of the resolution. MR. SWANICK seconded.

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CARRIED UNANIMOUSLY.

Item 33 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 387

Re: Opposition to Proposed Reductions
in Federal Section 8 Housing Program.
(Intro. 19-13)

A RESOLUTION SUBMITTED BY
LEGISLATORS DEBENEDETTI, MARINELLI AND SMITH

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) maintains a federal housing choice flexible voucher program, known as Section 8, the federal government's major program for "assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market," and

WHEREAS, under the program, housing assistance is provided on behalf of the family or individual, participants are able to find their own housing, including single-family homes, townhouses and apartments, with the participant free to choose any housing that meets the requirements of the program and is not limited to units located in subsidized housing projects, and

WHEREAS, housing choice vouchers are administered locally by public housing agencies, with the housing agencies receiving federal funds from HUD to administer the voucher program, and

WHEREAS, "a family that is issued a housing voucher is responsible for finding a suitable housing unit of the family's choice where the owner agrees to rent under the program. This unit may include the family's present residence. Rental units must meet minimum standards of health and safety," and

WHEREAS, "a housing subsidy is paid to the landlord directly by the public housing authority on behalf of the participating family. The family then pays the difference between the actual rent charged by the landlord and the amount subsidized by the program. Under certain circumstances, if authorized by the public housing authority, a family may use its voucher to purchase a modest home," and

WHEREAS, in Erie County, almost 11,000 families across all towns and cities have access to safe, secure housing through the Section 8 voucher program administered by the Rental Assistance Corporation and Belmont Shelter Corporation, and

WHEREAS, the program benefits tenants, landlords and the community through the placement of individuals into rental apartments across the area, and

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WHEREAS, according to U.S. Senator Charles Schumer, President Bush's proposed Fiscal Year 2005 budget cuts federal spending for Section 8 vouchers by \$1.6 billion, and by \$4.6 billion by FY 2009, and

WHEREAS, according to Senator Schumer, the administration's proposal would lead to the loss of \$5.85 million in voucher funding in Erie County alone, with as many as 1,322 families potentially losing vouchers and resulting in a net monthly rental increase to each family of \$536, and

WHEREAS, Senator Schumer has introduced legislation in the form of an amendment to the FY 2004 Veterans Affairs and HUD Appropriations Act in order that Section 8 vouchers would be funded by the current method,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the HUD Section 8 voucher program that provides affordable, safe housing for 11,000 families in this county, and urges the President to propose and accept a FY 2005 budget that maintains the existing HUD formula for flexible choice vouchers, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the President, local congressional delegation, HUD Secretary Alphonso Jackson (451 7th Street S.W., Washington, DC 20410), Mary Shine of Rental Assistance Corporation (470 Franklin Street, Buffalo NY 14202), and Elizabeth Huckabone of Belmont Shelter Corporation (1195 Main Street, Buffalo, NY 14209).

Fiscal Impact: None for this resolution.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the resolution as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 34 – CHAIRMAN HOLT directed that the following resolution be referred to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Intro. 19-14 From LEGISLATORS DEBENEDETTI & DUSZA Re: Opposition to National Fuel Gas' Request for a Significant Rate Increase.

Item 35 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 388

Re: Support for Increase in Medicaid
 Federal Medical Assistance Percentage.
 (Intro. 19-15)

A RESOLUTION SUBMITTED BY
 LEGISLATORS DEBENEDETTI, MARINELLI AND SMITH

WHEREAS, United States Senators Jay Rockefeller and Gordon Smith have introduced legislation (S.2671), the State Fiscal Relief Act of 2004, and

WHEREAS, that legislation would provide for a 1.26% increase in the Medicaid federal medical assistance percentage (FMAP) for each state for a fifteen month period commencing July 1, 2004 through September 30, 2005, provide a "hold-harmless" clause if each state's FMAP rate declined, and would provide for \$1.2 billion in federal funds for states to help implement sections of the Medicare prescription drug benefit, and

WHEREAS, if the FMAP provision was not adopted by Congress and signed into law by the President, New York State would lose \$1.47 billion in federal Medicaid funds, the highest amount of any state or territory in the country, and

WHEREAS, reauthorization of the FMAP rate is necessary as the last increase of 2.95% for New York State expired on June 30, 2004, and

WHEREAS, United States Representative Peter King has introduced similar legislation (H.R.4961), the Medicaid Act of 2004, providing for a 1.6% increase in the FMAP,

WHEREAS, the loss of such federal funding would likely lead the New York State government to pass along the additional costs of Medicaid to local county governments at a time when county governments in this state are already unduly burdened by Medicaid and Family and Child Health Plus costs,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature expresses its support for the Medicaid FMAP legislation introduced by Senators Rockefeller and Smith and Representative King, and calls on all members of the United States Senate and United States House of Representatives to expeditiously approve legislation to continue the FMAP for New York State and all states at the highest possible percentage possible, and be it further

RESOLVED, that this Honorable Body commends Senator Charles Schumer for co-sponsoring S.2671, and urges Senator Hillary Rodham Clinton to co-sponsor S.2671, and be it further

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RESOLVED, that this Honorable Body calls on the 28 members of the U.S. House of Representatives to join Representative King in sponsoring H.R. 4961, and in providing higher levels of FMAP assistance to New York State and its county governments during these pressing fiscal times, and be it further

RESOLVED, that this Honorable Body calls on President George W. Bush to approve said legislation following the approval by the Senate and House of companion legislation, and be it further

RESOLVED, that certified copies of this resolution be transmitted to President George W. Bush, U.S. Senators Charles Schumer and Hillary Rodham Clinton, U.S. Representatives Peter King, Louise Slaughter, Jack Quinn, Thomas Reynolds and Amory Houghton, and Governor George Pataki.

MS. MARINELLI moved to amend the resolution to include Et Al Sponsorship. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

MS. MARINELLI moved the approval of the resolution as amended. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 36 – CHAIRMAN HOLT directed that the following resolution be referred to the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Intro. 19-16 From LEGISLATORS HOLT Re: Support for Continuation of Grant Funded Services.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 37 – MS. MARINELLI moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 13E-14 (2004). MR. SMITH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 389

Re: Health – Public Health Campaign
 Grant 4/1/04 – 3/31/05 and TB
 Elimination Activities Grant 2/1/04 –
 1/31/05.

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WHEREAS, the Erie County Department of Health has received an approved budget revision for the TB Elimination Activities Grant, Project #205, which decreases the grant award from \$258,709 to \$93,030 and

WHEREAS, it is necessary to adjust staffing by transferring one full-time Licensed Practical Nurse position, (position number 815592) to the Public Health Campaign, Project #203, effective November 16, 2004, and transfer one full-time Licensed Practical Nurse position, (position number 810536) to the Youth Detention Health Services, Function 5090, effective March 31, 2004, and

WHEREAS, the Erie County Department of Health has received an approved Budget revision for the Public Health Campaign grant, Project #203, which decreases the grant award from \$405,822 to \$345,559, and

WHEREAS, it is necessary to adjust staffing by deleting one full-time position of Sr. Public Health Aide, JG III, (position number 815822) effective March 31, 2004, and

WHEREAS, these personnel adjustments will enable the Public Health Campaign to stay within budget without reducing direct patient services. It will also enable the TB Elimination Activities Grant to stay within budget. The LPN position must be transferred to the Youth Detention Health Services function in order to meet New York State staffing mandates, and

WHEREAS, the Youth Detention Health Services function requires a second full-time Licensed Practical Nurse position in order to comply with New York State staffing mandates, and

WHEREAS, there are sufficient funds available in the 2004 Adopted Budget of the Health Department to fund these positions.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to enter into revised agreements with the New York State Department of Health for the TB Elimination Activities Grant, Project #205, in the amount of \$93,030 and for the Public Health Campaign Grant, Project #203, in the amount of \$345,559, and be it further,

RESOLVED, that one full-time Licensed Practical Nurse position, (position number 815592) is hereby transferred to the Public Health Campaign, Project #203, effective November 16, 2004, and one full-time Licensed Practical Nurse position, (position number 810536) is transferred to the Youth Detention Health Services, Function 5090, effective March 31, 2004, and be it further

RESOLVED, that one full-time position of Sr. Public Health Aide, JG III, (position number 815822) is hereby deleted effective March 31, 2004, and be it further

RESOLVED, that one full-time Licensed Practical Nurse position, JG IV, is hereby created in the Youth Detention Health Services function in order to comply with New York State staffing mandates.

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The following personnel detail is hereby submitted:

TITLE: Licensed Practical Nurse
 JG: IV
 STEP: 0
 ANNUAL SALARY: \$24,109
 ANNUAL BENEFITS: \$7,401

FUNDING: 100% Reimbursed
 CIVIL SERVICE: Non-Competitive
 CIVIL SERVICE LIST: No

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Division of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

MS. MARINELLI moved the approval of the resolution. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

Item 38 – MR. RANZENHOFER moved to discharge the FINANCE & MANAGEMENT COMMITTEE from further consideration of Comm. 16E-9 (2004). MR. SWANICK seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER, SWANICK & WEINSTEIN. NOES: DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 7, NOES 8).

FAILED.

Item 39 – MR. RANZENHOFER moved to discharge the HUMAN SERVICES COMMITTEE from further consideration of Comm. 15E-40 (2004). MS. MARSHALL seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, CUSACK, MARSHALL, McCARVILLE, RANZENHOFER. NOES: SWANICK, WEINSTEIN, DEBENEDETTI, DUSZA, HOLT, KUWIK, MARINELLI, SCHROEDER, SMITH & WROBLEWSKI. (AYES 5, NOES 10).

FAILED.

SUSPENSION OF THE RULES

Item 40 –MS. MARINELLI moved for a suspension of the rules to include an item not on the agenda. MR. DEBENEDETTI seconded.

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GRANTED.

CHAIRMAN HOLT directed that the following resolution be referred to the HUMAN SERVICES COMMITTEE.

GRANTED.

Comm. 19E-100 From LEGISLATOR SMITH Re: Letter to Commissioner Department of Social Services Re: Blueprint for Change Initiative.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM LEGISLATOR WROBLEWSKI

Item 41 – (Comm. 19E-1) Letter to Graycliff Conservancy Re: Community Enrichment Meeting Held 9/14/04.

Received and filed.

FROM LEGISLATOR McCARVILLE

Item 42 – (Comm. 19E-2) Letter to Chairman Holt Re: Abstention of Vote for Comm. 17E-17.

RECEIVED, FILED & PRINTED.

July 16, 2004

Hon. George A. Holt, Jr.
Chairman, Erie County Legislature
Old County Hall Annex -7th Floor
25 Delaware Avenue
Buffalo, NY 14202

Dear Chairman Holt:

Pursuant to the Rules of Order for the Erie County Legislature, please allow this letter to serve as my explanation for my abstention on the vote for Comm. 17 E-17.

At present, I am employed part-time by Accident Reconstruction Plus, a TVGA Consultants Company, but my duties for Accident Reconstruction Plus do not directly involve the procurement, preparation, or performance of any contract between TVGA Consultants and the County of Erie. In addition, any wages that I receive from employment with Accident Reconstruction Plus are in no way directly affected by any contract between TVGA Consultants and Erie County.

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I trust that the above will suffice.

Thank you.

Very truly yours,

Steven P. McCarville
Erie County Legislator
13th District

cc:

Kevin Kelley
Clerk, Erie County Legislature

FROM THE COMPTROLLER

Item 43 – (Comm. 19E-3) Letter Re: Budget Deficit Projections.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR SCHROEDER

Item 44 – (Comm. 19E-4) Letter to Comptroller Re: Audit of SAP Future Implementation & Cost.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR RANZNEHOFER

Item 45 – (Comm. 19E-5) Minority Caucus Appointment to Erie County Records Commission.

RECEIVED, FILED & PRINTED.

July 26, 2004

David J. Swarts
Erie County Clerk
25 Delaware Avenue
Buffalo, New York 14202

RE: **MINORITY CAUCUS APPOINTMENT TO THE ERIE COUNTY
RECORDS COMMISSION**

Dear Clerk:

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Pursuant to Erie County Local Law 12-1989, which created the Erie County Records Commission, the Minority Caucus of the Erie County Legislature wishes to notify you of its appointment to the Erie County Records Commission. The name of the appointee is set forth herein:

Nancy C. Metzger
5205 Hillcrest Drive
Clarence, New York 14031

Very truly yours,

Michael H. Ranzenhofer
Minority Leader, Erie County Legislature
Legislator – 4th District

cc: Erie County Legislature
Hon. Nancy C. Metzger I Clarence Town Clerk

FROM LEGISLATOR MARSHALL

Item 46 – (Comm. 19E-6) Letter to Health Commissioner Re: Hogweed.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 47 – (Comm. 19E-7) Letter to Legislator DeBenedetti Re: Proposed Layoffs.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 48 – (Comm. 19E-8) Letter Re: County Bond Rating Downgrade.

Item 49 – (Comm. 19E-9) Apportionment & Distribution of 4% Sales Tax for 7/04.

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATORS HOLT & MARINELLI

Item 50 – (Comm. 19E-10) Letter to County Executive Requesting Information Regarding County's Fiscal Condition & Projected Deficit.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COUNTY EXECUTIVE

Item 51 – (Comm. 19E-11) Social Services/Parks Staff Transfer.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 52 – (Comm. 19E-12) Notice of Public Hearing Re: ECSD 2005 Assessment Rolls.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE COMPTROLLER

Item 53 – (Comm. 19E-13) Petty Cash Account Closeout.

Item 54 – (Comm. 19E-14) ECMC Audited 2003 Financial Report.

Item 55 – (Comm. 19E-15) 2003 Comprehensive Annual Financial Report.

The above three items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 56 – (Comm. 19E-16) 2004 Budget Amendments.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 57 – (Comm. 19E-17) Certificate of Determination Re: Terms, Forms & Details of Sale & Issuance of \$79,695,000 of Bonds.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 58 – (Comm. 19E-18) Veto Message -Local Law Intro. No.9-2004

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COMPTROLLER

Item 59 – (Comm. 19E-19) Letter to Legislator Marinelli Re: Proposed 2004 Budget Amendments.

Item 60 – (Comm. 19E-20) Supplement to 2003 – Comprehensive Annual Financial Report.

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Item 61 – (Comm. 19E-21) Quarterly Investment Report 4/04 - 6/04.

The above three items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR MARINELLI

Item 62 – (Comm. 19E-22) Letter to County Executive Re: Systematic 2005 Budget Preparation Process.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 63 – (Comm. 19E-23) Report of Special Grand Jury Re: Aurora Highway Garage.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR MARINELLI

Item 64 – (Comm. 19E-24) Memo Re: Government Affairs Review of Grand Jury Report.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 65 – (Comm. 19E-25) Appointment of Commissioner of Social Services.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE COMPTROLLER

Item 66 – (Comm. 19E-26) Letter Re: Centralized Accounting in Comptroller's Office.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR DEBENEDETTI

Item 67 – (Comm. 19E-27) Letter to Budget Director Re: 2004 EC Medicaid Burden.

Item 68 – (Comm. 19E-28) Letter to NYS Attorney General Re: Buffalo Office Interiors.

Item 69 – (Comm. 19E-29) Letter to Comptroller Re: Request for Audit of ECWA.

Item 70 – (Comm. 19E-30) Letter to Fleet Service Director Re: Use of County Vehicle.

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Item 71 – (Comm. 19E-31) Letter to Budget Director Re: ECMC Accounts Receivable & Payable.

Item 72 – (Comm. 19E-32) Letter to Comptroller Re: Comm. 17E-14.

The above six items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 73 – (Comm. 19E-33) Apportionment & Distribution of 4% Sales Tax for 8/04.

Item 74 – (Comm. 19E-34) Letter to Budget Director Re: ECMCC.

Item 75 – (Comm. 19E-35) Letter to Budget Director Re: Centralized Accounting in Comptroller's Office.

The above three items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM CHAIRMAN HOLT

Item 76 – (Comm. 19E-36) Calling for Change of September Session Dates.

RECEIVED, FILED & PRINTED.

September 3, 2004

Kevin M. Kelley, Clerk
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Dear Mr. Kelley:

Please be advised that I would like to change the session of the Erie County Legislature scheduled for September 9, 2004 at 2:00 PM to September 15, 2004 at 2:00 PM.

Pursuant to Section 2.01 of the Rules of Order for the Erie County Legislature, the Chairperson is authorized to establish the schedule for regular sessions of the Legislature.

Thank you for your prompt attention to this matter.

Sincerely,

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George A. Holt, Jr.
Chairman, Erie County Legislature

Cc: Hon. Lynn Marinelli
Majority Leader, Erie County Legislature

Hon. Michael Ranzenhofer
Minority Leader, Erie County Legislature

Mr. William Benfanti
Chief of Staff

FROM THE COUTNTY CLERK

Item 77 – (Comm. 19E-37) Memo Re: Records Management Grants.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LEGISLATOR DEBENEDETTI

Item 78 – (Comm. 19E-38) Request for Surplus Computers.

RECEIVED, FILED & PRINTED.

September 2, 2004

Erie County Legislature
Attn: Mr. Kevin M. Kelley, Clerk
25 Delaware Avenue, 7th Floor
Buffalo, New York 14202

Dear Mr. Kelley:

I would like to request six surplus computers from Erie County to be donated to the youth organization listed below.

Holy Cross Youth Program
Attn: Father David M. Gallivan
345 7th Street
Buffalo, New York 14201
(716) 847-6930

Please let me know the outcome of this request, I appreciate anything you may do for this organization as for the Holy Cross Youth Program is in great need of computers. Should you have any questions I may be reached at 874-3257.

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Sincerely yours,

Albert DeBenedetti,
Erie County Legislator

AD/kas

FROM LEGISLATORS McCARVILLE & CHASE

Item 79 – (Comm. 19E-39) Request for Surplus Computers.

RECEIVED, FILED & PRINTED.

August 31, 2004

Hon. Kevin Kelley
Clerk
Erie County Legislature
92 Franklin Street 4th Floor
Buffalo, New York 14202

Re: Intro 24-5 (2003) Availability of Surplus Computers

Dear Mr. Kelley:

We have received a request from Hillcrest Cemetery, 5223 Abbott Road, Hamburg, New York 14075 for two (2) surplus computers to assist in the operations of their not-for-profit cemetery. A copy of the request letter is attached for your reference. If you have any questions please contact us.

Sincerely,

Jeanne Z. Chase
Erie County Legislator
12th District

Steven P. McCarville
Erie County Legislator
13th District

Attachment

cc: Ken Beam, D ISS Administration

August 20, 2004

Legislator Jeanne Chase
Erie County Legislature
P.O. Box 29
Eden, New York 14057

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Regarding: Attached letter sent to Mr. Kenneth Beam

Dear Legislator Chase:

Our Board of Directors is inquiring about the status of the computers that have been taken out of service with the implementation of the new IBM Computers.

Attached, is a letter sent to Mr. Kenneth Beam, DISS Director from April regarding the same inquiry, which was forwarded to you according to Mr. Beam.

Would you please see if you could obtain one of these computers for our cemetery to help with its record keeping activities?

Thank you for your any assistance that you may be able to offer in obtaining one of these computers.

Sincerely,

Mr. Terrance McCann, President

cc: Hillcrest Cemetery Board of Directors
Mr. Steve McCarville, Erie County Legislature

FROM LEGISLATOR DEBENEDETTI

Item 80 – (Comm. 19E-40) Letter to Comptroller Re: ETASC & Tobacco Settlement Proceeds.

Item 81 – (Comm. 19E-41) Letter to Fleet Service Director Re: Fuel Budget.

Item 82 – (Comm. 19E-42) Letter to Comptroller Re: DPW Audit.

Item 83 – (Comm. 19E-43) Letter to Comptroller Re: Fleet Services Audit.

The above four items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATOR SWANICK

Item 84 – (Comm. 19E-44) Request for Surplus Computers.

RECEIVED, FILED & PRINTED.

September 7, 2004

Hon. Kevin M. Kelley
Clerk, Erie County Legislature

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25 Delaware Avenue, 7th Floor
Buffalo, New York 14202

Re: Intro. 24-5 (2003) Availability of Surplus Computers

Dear Mr. Kelly:

I have received a request from the Grand Island Historical Society for four (4) computers for staff use at the Historical Society facility at River Lea in Beaver Island Park. A copy of the request letter from the Grand Island Historical Society is attached for your reference.

Very truly yours,

Charles M. Swanick
Erie County Legislator
10th District

Attachment

Cc: Mr. Kenneth Beam
DISS Administration

September 3, 2004

Erie County Legislator
Charles M. Swanick
1856 Whitehaven Road
Grand Island, New York 14072

Dear Mr. Swanick:

I would like to request your assistance in acquiring [4] four surplus computers for the Grand Island Historical Society use at our River Lea headquarters Beaver Island State Park.

Can-you please consider this request for the betterment of the society? Thank you again for taking the time to speak to us the other evening.

Sincerely,

Andrea. Swirzer
775-3206

FROM THE COUNTY EXECUTIVE

Item 85 –MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

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CARRIED UNANIMOUSLY.

RESOLUTION NO. 390

Re: Joint Appointment to Erie County
 Records Commission. (Comm. 19E-45)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of John A. Edens to the Erie County Records commission.

MR. SWANICK moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

FROM LEGISLATOR DEBENEDETTI

Item 86 – (Comm. 19E-46) Letter to County Attorney Re: Retention of Outside Counsel – Furniture Audit.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 87 – (Comm. 19E-47) Announcing Sale of \$82,500,000 Revenue Anticipation Note.

Item 88 – (Comm. 19E-48) Announcing Sale of \$79,695,000 General Obligation Bonds.

The above two items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 89 – (Comm. 19E-49) Appointment to EC Deferred Compensation Committee.

RECEIVED, FILED & PRINTED.

September 13, 20'04

The Honorable
 Erie County Legislature
 25 Delaware Avenue
 Buffalo, New York 14202

RE: Appointment to the Erie County Deferred Compensation Committee

Dear Members:

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I hereby appoint the following individual to the Erie County Deferred Compensation Committee as the Erie County Sheriffs PBA representative to replace Michael R. Summers, Jr.:

John Do Hillery
 Erie County Sheriff s PBA
 3490 Parkwood Common
 Hamburg, New York 14075

Very truly yours,
 JOEL GIAMBRA
 RIE COUNTY EXECUTIVE

JAG/jda

cc: Appointee
 Peter Sigurdson, Chairman, Erie County Deferred Compensation Committee

Item 90 – (Comm. 19E-50) CPS -Urban Area Security Initiative FFYO3 Position Request.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 91 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 391

Re: Parks – Fund Transfer for City Parks
 Maintenance. (Comm. 19E-51)

WHEREAS, the Erie County Department of Parks, Recreation & Forestry has received equipment from the City of Buffalo which is in either extremely poor condition or totally unusable, and

WHEREAS, the Erie County Department of Parks, Recreation and Forestry, City Parks Division, does not have sufficient funds in the Automotive Supplies and Maintenance and Repair Supplies Account to repair all necessary equipment, and

WHEREAS, the City Pools will not be in need of professional services for the remainder of the calendar year.

NOW, THEREFORE, BE IT

RESOLVED, that within the budget of the Division of City Parks, the amount of \$34,000 shall be taken from the Professional Service Contracts and Fees Account, 516020, and transferred to: Repairs and Maintenance Account, 506200, in the amount of \$14,000, and Automotive Supplies Account, 505600, in the amount of \$20,000, and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward certified copies of this resolution to the Department of Parks, Recreation and Forestry, the Erie County Executive’s Office, the Office of the Comptroller, and the Division of Budget, Management and Finance.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CHAIRMAN HOLT directed that a roll call vote be taken.

AYES: CHASE, McCARVILLE, RANZENHOFER, SWANICK, DEBENEDETTI, HOLT, MARINELLI, SCHROEDER, & SMITH. NOES: CUSACK, MARSHALL, WEINSTEIN, DUSZA, KUWIK & WROBLEWSKI (AYES 9, NOES 6).

CARRIED.

Item 92 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 392

Re: District Attorney – Victim Witness Assistance Grants. (Comm. 19E-52)

WHEREAS, the District Attorney through the Victim Witness Assistance Program Grant provides needed services to the residents of Erie County, and

WHEREAS, the Erie County Legislature has already approved the District Attorney’s Victim Witness and Child Advocacy Grant Budgets in Book B for 2004, and

WHEREAS, the executed contract received from the NYS Crime Victims Board authorizes funding levels different from the adopted budget,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby provide authorization to reallocate funds within the Victim Witness Grant to match final state authorized funding levels, to be adjusted as follows:

VICTIM WITNESS ASSISTANCE GRANT
 114VICTIMWTNSS0405 (formerly #282 104 & #282 103)
 October 1, 2004 to September 30, 2005

<u>Revenue</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
409000 State Revenue	\$ 255,200	\$ - 0 -	\$ 255,200
479000 County Share Contribution	<u>133,569</u>	<u>(1,650)</u>	<u>131,919</u>
Total Revenue	<u>\$ 388,769</u>	<u>\$(1,650)</u>	<u>\$ 387,119</u>

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<u>Appropriation</u>	<u>ORIGINAL</u>	<u>CHANGE</u>	<u>FINAL</u>
500000 Personal Services	\$ 302,917	\$(3,550)	\$ 299,367
501000 Overtime	2,510	- 0 -	2,510
502000 Fringe Benefits	91,842	- 0 -	91,842
505000 Office Supplies	- 0 -	1,000	1,000
510000 Travel (Local Mileage)	3,500	(1,500)	2,000
510100 Travel (Out of Area)	- 0 -	1,500	1,500
510200 Training & Education	- 0 -	1,000	1,000
530000 Other Expenses	500	(500)	- 0 -
545000 Rent	- 0 -	400	400
911400 Interdept. – County Exec.	<u>(12,500)</u>	<u>- 0 -</u>	<u>(12,500)</u>
Total Appropriations	<u>\$ 388,769</u>	<u>\$ (1,650)</u>	<u>\$ 387,119</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Erie County District Attorney, the Erie County Executive, the Erie County Comptroller and the Director of Budget, Management and Finance.

MS. MARINELLI moved the approval of the resolution. MR. SCHROEDER seconded.

CARRIED UNANIMOUSLY.

Item 93 – (Comm. 19E-53) DISS -Renewal of AT&T Contract for T3/T1 Telecommunications Network for EC Remote Department Locations.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 94 – (Comm. 19E-54) CPS – Wireless 911 Expedited Deployment Funding.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 95 – (Comm. 19E-55) Social Services – Office Supplies Budget Restoration.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 96 – (Comm. 19E-56) Permitting Buffalo – Niagara Convention Center Management Corporation to Reconstruct & Maintain Marquee.

Item 97 – (Comm. 19E-57) Botanical Gardens Reconstruction, Houses 11 & 12

The above two items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

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Item 98 – (Comm. 19E-58) Indemnification of Directors, Officers & Employees of Various EC Boards, Corporations & Committees.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

Item 99 – (Comm. 19E-59) Probation & Youth Detention Services – Detention Facility Staff Adjustment.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 100 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 393

Re: STOP-DWI – Traffic Safety
Seminar. (Comm. 19E-60)

WHEREAS, traffic crashes are the leading cause of death for 15 to 19 year olds in the United States, and

WHEREAS, the number of female teen drivers killed annually in traffic crashes has increased 42% since 1992, and

WHEREAS, the number of male teen drivers killed annually in traffic crashes has increased 21% since 1992, and

WHEREAS, New York teens are involved in twice as many fatal crashes as their numbers would suggest, and

WHEREAS, 33 teenagers have been killed in Erie County motor vehicle crashes since January of 2000, and

WHEREAS, the STOP-DWI and Traffic Safety Offices of the County Executive conduct an annual traffic safety seminar to educate and instruct young drivers, and

WHEREAS, the County of Erie has in place a separate liability insurance policy for the conduct of this event,

NOW, THEREFORE, BE IT

RESOLVED, that the following transactions are hereby authorized in order to fund the expenses associated with the conduct of the Erie County Traffic Safety Seminar from September 28, 2004 through October 1, 2004:

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2004 STOP-DWI GRANT
 FUND CENTER #16500060
 WBS Element #SDWI
 1/1/04 - 12/31/04

REVENUES

ACCT 369 DWI PROGRAM	\$	<u>13,500</u>
TOTAL	\$	<u>13,500</u>

APPROPRIATIONS

516020 Contract Payments NP	\$	11,500
545000 Equipment Rental		2,000
TOTAL	\$	<u>13,500</u>

and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a personal service contract, not to exceed \$4,500.00, with David Sanders, as a Crash Demonstration Coordinator, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a personal service contract, not to exceed \$4, 500.00, with Mel Prescott, as a Crash Safety Engineer, and be it further

RESOLVED, that the County Executive is hereby authorized to enter into a personal service contract, not to exceed \$2,500.00, with Butch Lysholm, as an Air Bag Deployment Coordinator, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Division of Budget, Management and Finance, the County Executive's Office, the Comptroller's Office, and the Erie County STOP-DWI Office.

MS. MARINELLI moved the approval of the resolution. MR. RANZENHOFER seconded.

CARRIED UNANIMOUSLY.

Item 101 – (Comm. 19E-61) Budget, Management & Finance – Transfer of Funds.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 102 – (Comm. 19E-62) DISS – Professional Services – Computer Consulting Services of WNY.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

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Item 103 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SWANICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 394

Re: Levy of 2004-05 School Tax
Budgets. (Comm. 19E-63)

WHEREAS, the several non-city school districts lying within the County of Erie have adopted their school budgets for the current school year, determined the amount thereof to be raised by real property tax and fixed their school tax rates, said budgets, amounts and rates having been certified to and filed with the Real Property Tax Division of the Erie County Department of Finance, and;

WHEREAS, the Deputy Commissioner for said Real Property Tax Division has spread and extended said school tax amounts, at the school tax rates certified to him, against the taxable real property appearing on the respective school assessment rolls.

NOW, THEREFORE, BE IT

RESOLVED, that there is hereby levied and assessed upon the taxable real property appearing on the school assessment rolls for the respective school districts the amounts to be raised by school taxes, as spread and extended by the Deputy Commissioner for the Real Property Tax Division, which amounts shall be collected from the persons and corporations liable therefore in accordance with and pursuant to the provisions of the statutes in such cases made and provided; and it is further

RESOLVED, that the Chairman and the Clerk of the Legislature are hereby directed to execute in the name and under the seal of the County of Erie, and to annex to the respective school district tax rolls as they are compiled by the Deputy Commissioner for the Real Property Tax Division, a good and sufficient warrant, addressed to the proper tax collecting officials, commanding them to collect such school district taxes in accordance with applicable law; and it is further

RESOLVED, that the Deputy Commissioner for the Real Property Tax Division is hereby directed to deliver such school district tax rolls and warrants to such tax collecting officials to be acted upon in accordance with applicable law; and it is further

RESOLVED, that each and every act of the Deputy Commissioner for the Real Property Tax Division in connection with the foregoing is hereby ratified and confirmed; and it is further

RESOLVED, The Clerk of the Legislature is hereby directed to cause such non-city school district budgets, tax rates and resolutions to be printed in the journal of the proceedings of the Legislature.

MS. MARINELLI moved the approval of the resolution. MR. SWANICK seconded.

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CARRIED UNANIMOUSLY.

Item 104 – (Comm. 19E-64) Sale of County Owned Inventory – Burch Avenue, Town of West Seneca.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 105 – (Comm. 19E-65) District Attorney – Transfer of Funds.

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 106 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 395

Re: Appointment to EC Fire Advisory Board. (Comm. 19E-66)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Mr. Daniel Carrier at 102 Temple Drive, Cheektowaga, NY 14225 to the Erie County Fire Advisory Board for a term to expire December 31, 2005.

MR. RANZENHOFER moved the approval of the resolution. MS. MARINELLI seconded.

CARRIED UNANIMOUSLY.

Item 107 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 396

Re: Appointment of Chairman of EC Environmental Management Council. (Comm. 19E-67)

RESOLVED, the Erie County Legislature does hereby confirm the appointment of Mr. James Loesch as Chairman of the Erie County Environmental Management Council.

MS. MARINELLI moved the approval of the resolution. MR. DEBENEDETTI seconded.

CARRIED UNANIMOUSLY.

Item 108 – (Comm. 19E-68) Dental Insurance.

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Item 109 – (Comm. 19E-69) Mental Health – Authorization to Enter Into a 3-Year Agreement with HUD in the Amount of \$1,731,137.

Item 110 – (Comm. 19E-70) Request for Authorization to Amend 2004 Contract with ECMC.

Item 111 – (Comm. 19E-71) Request for Authorization to Amend 2004 Contract with Compeer West.

Item 112 – (Comm. 19E-72) Health – HIV Partner Notification - 10/1/03 - 8/30/04.

Item 113 – (Comm. 19E-73) Health – Public Health Laboratory – Transfer of Funds.

Item 114 – (Comm. 19E-74) Health – UASI – Authorization to Entering Contract - 12/1/03 - 11/30/05.

Item 115 – (Comm. 19E-75) Health – Hepatitis C Screening in Public Health Clinics - 7/15/04 - 12/31/04.

Item 116 – (Comm. 19E-76) Health – Tonawanda Service & Referral Center – Lease Agreement Renewal.

The above nine items were received and referred to the HUMAN SERVICES COMMITTEE.

Item 117 – MS. MARINELLI presented the following resolution and moved for immediate consideration. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 397

Re: Health – Medical Reserve Corps
 Demonstration Project 9/30/04 - 9/29/05.
 (Comm. 19E-77)

WHEREAS, the Erie County Department of Health has received a continuation grant award in the amount of \$50,000 from the Department of Health & Human Services to provide funding for the coordination and recruitment of the continually expanding SMART (Specialized Medical Assistance Response Team) capacity for the eight counties of the Western New York Public Health Alliance, and

WHEREAS, this is the second year funding of a three-year contract.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to accept the continuation grant award from the Department of Health & Human Services which is budgeted as follows:

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MEDICAL RESERVE CORPS

09/30/04 – 09/29/05

SAP TITLE: HS127MRC0405 COST CENTER: #1272010

SAP	REVENUE	BUDGET
414000	FEDERAL AID	\$ 50,000
	TOTAL	<u>\$ 50,000</u>
	EXPENSES	
500000	PERSONAL SERVICES	\$ 35,544
502000	FRINGE BENEFITS	10,912
505000	OFFICE SUPPLIES	484
510000	TRAVEL & MILEAGE	300
510100	OUT OF AREA TRAVEL	2,600
561410	LAB & TECHNICAL EQUIPMENT	160
	TOTAL	<u>\$ 50,000</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Department of Health, the Department of Emergency Services, the Erie County Medical Center, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

MS. MARINELLI moved the approval of the resolution. MR. SMITH seconded.

CARRIED UNANIMOUSLY.

Item 118 – (Comm. 19E-78) Health – Acceptance of Donated Equipment from Wyoming-Erie Regional EMS Council.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 119 – (Comm. 19E-79) Funding for Bethlehem Steel / International Steel Corporation / Gateway Port Rail Infrastructure Work.

Item 120 – (Comm. 19E-80) Maintenance Agreement – Erie Canalway Trail: EC & NYS Canal Corporation.

The above two items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 121 – (Comm. 19E-81) WNY Stormwater Pollution Prevention Implementation Project.

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Item 122 – (Comm. 19E-82) Community Development – Personal Services Contract – Rural Planning Services.

Item 123 – (Comm. 19E-83) ECSD No. 2 –Engineering Service Agreements – Stearns & Wheler.

Item 124 – (Comm. 19E-84) Notice of Public Hearing – ECSDs 2005 Assessment Rolls.

Item 125 – (Comm. 19E-85) ECSD Nos. 1-6 Section 270/271 Resolutions.

Item 126 – (Comm. 19E-86) EC/Sewage Treatment Agency – NYS Water Pollution Control – Southtowns Outfall Extension.

Item 127 – (Comm. 19E-87) Sewerage Management – Personnel Request.

Item 128 – (Comm. 19E-88) ECSD No. 1 – French Road Sanitary Sewer Rehabilitation – Change Order No. 1 – Intercounty Paving Associates.

Item 129 – (Comm. 19E-89) EC/Southtowns Sewage Treatment Agency – ECSD Nos. 1, 3, 4 & 5 – Consulting Services Agreement – Contract Closeout.

Item 130 – (Comm. 19E-90) ECSD No. 3/Town of Boston -Proposed Agreement – Consolidation with Town District Nos. 1, 3 & 4.

Item 131 – (Comm. 19E-91) ECSD No. 3 – Village of Hamburg – Proposed Agreement.

Item 132 – (Comm. 19E-92) ECSD No. 3 Town of Aurora – Proposed Agreement.

Item 133 – (Comm. 19E-93) ECSD No. 3 – Village of East Aurora – Proposed Agreement.

Item 134 – (Comm. 19E-94) ECSD No. 3 & Southtowns Sewage Treatment Agency – Engineer Term Agreement.

Item 135 – (Comm. 19E-95) Consolidation of Sewer Services Agreement Between Blasdell & ECSD No. 3 -Change Order No. 3.

Item 136 – (Comm. 19E-96) Consolidation of Sewer Services Agreement Between Blasdell & ECSD No. 3 – Change Order No. 4.

The above sixteen items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR HOLT

Item 137 – (Comm. 19E-97) Request for Surplus Computers.

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ERIE COUNTY LEGISLATURE

RECEIVED, FILE & PRINTED.

September 13, 2004

Kevin M. Kelley
Clerk
Erie County Legislature
25 Delaware Avenue
Buffalo, NY 14202

Dear Mr. Kelley:

Please be advised that I have received a request from The Salvation Army's Hispanic Ministry (Buffalo Temple Corps – P.O. Box 169, Buffalo, NY 14213 - 0169) to receive fourteen (14) surplus Erie County computers.

Thank you in advance for your courtesies.

Sincerely,

George A. Holt, Jr.
Erie County Legislator
3rd District
Chairman

Attachment: Letter from Buffalo Temple Corps

cc: Mr. Kenneth Beam
Erie County DISS

August 6, 2004

George Holt
Chairman
Erie County Legislature
County Hall
Buffalo, NY 14202

Dear Chairman:

Greetings. As you are aware, the Salvation Army is committed to serve people in need through out our community. The Buffalo Temple Corps located on 187 Grant St., assists Hispanics and other minorities residing on the West Side of Buffalo with a variety of social and ministerial programs.

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Among the social programs we will be providing this year is the Family Learning Center. This center will provide the opportunity not only for family unity but also their betterment into our society. The program will allow children/youth and their parents to get the necessary assistance for completion of their education goals. We will be providing English as Second Language, tutoring assistance in English and Spanish for children and youth, and exposure to computer software and the Internet through a computer lab.

This lab will benefit families who lack the financial resources in getting free access to computers, learning software as well as using Internet reference sites. Your assistance in providing us with 14 computers will alleviate the expenses needed to launch this program for the community.

Thank you in advance for your contribution to our program. Please feel free to call us if you have any questions. Blessings.

Sincerely,

Lt. Samuel Gonzalez
 Corps Officer

Lt. Janet Gonzalez
 Corps Officer

FROM LEGISLATOR WROBLEWSKI

Item 138 – (Comm. 19E-98) Letter Canceling Community Enrichment Meeting 9/14/04

Received and filed.

FROM LEGISLATOR HOLT

Item 139 – (Comm. 19E-99) Request for Surplus Computers.

RECEIVED, FILE & PRINTED.

September 13, 2004

Kevin M. Kelley Clerk
 Erie County Legislature
 25 Delaware Avenue
 Buffalo, NY 14202

Dear Mr. Kelley:

Please be advised that I have received a request from Calvary Baptist Church (1184 Genesee Street, Buffalo, NY 14211) to receive twelve (12) surplus Erie County computers.

Thank you in advance for your courtesies.

Sincerely,

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Erie County Legislator
3rd District
Chairman

Attachment: Letter from Calvary Baptist Church

cc: Mr. Kenneth Beam
Erie County DISS

July 26, 2004

Chairman George Holt
County Legislator
427 William Street
Buffalo, New York 14206

Dear Chairman Holt:

We the Calvary Baptist Church would like to receive as many computers allowed (12+) for our After School Tutorial Program. Also, we are in the process of starting a SAT program and a GED program which we will need computers for these them. Thank you in advance for what you can do.

If you have any questions, please feel free to contact me at the above number.

Sincerely,

Mary Watkins Office Manager

COMMUNICATIONS FROM THE DEPARTMENTS:

FROM THE COUNTY ATTORNEY

Item 140 – (Comm. 19D-1) Memo to Holt Re: 2004-05 ECC Budget.

Received and filed.

FROM DISS

Item 141 – (Comm. 19D-2) Letter to Association of Tax Receivers & Collectors Re: Centralized Regional Tax Collection System.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

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ERIE COUNTY LEGISLATURE

FROM DEP

Item 142 – (Comm. 19D-3) NYSDEC Recycling Project Grant.

Received and referred to the ENERGY ENVIRONMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 143 – (Comm. 19D-4) Notice of County Executive's Approval of Local Law No. 4-2004.

RECEIVED, FILED & PRINTED.

County of ERIE

Local Law No. 4 of the year 2004

A local law establishing a probation investigation fee under the authority of Section 252-a of the Family Court Act in custody and visitation proceedings.

Be it enacted by the _____ Legislature _____ of the

County of ERIE as follows:

Section 1.

Pursuant to Section 252-a of the Family Court Act, the Erie County Department of Probation and Youth Detention Services, when ordered by the courts to conduct an investigation pursuant to section 653 of the Family Court Act, is authorized to charge and is entitled to receive a fee of not less than fifty (\$50) dollars and not more than five hundred (\$500) dollars from the parties in the proceeding to help reimburse the cost of the investigation conducted by the department.

Section 2.

Such fee shall be based on the party's ability to pay the fee and the schedule for payment shall be fixed by the court issuing the order for investigation, pursuant to the guidelines issued by the director of the division of probation and correctional alternatives, and may in the discretion of the court be waived when the parties lack sufficient means to pay the fee. The court shall apportion the fee between the parties based upon the respective financial circumstances of the parties and the equities of the case.

Section 3.

In the event of non-payment of the investigation fee, the County may seek to enforce payment in any manner permitted by law for the enforcement of a debt.

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Section 4.

Fees collected pursuant to this Local Law shall be paid directly to the Erie County Department of Probation and Youth Detention Services to be retained and utilized for probation department services and staffing, and shall not be considered by the division of probation and correctional alternatives when determining state aid reimbursement pursuant to Section 246 of the Executive Law.

Section 5.

This Local Law shall take effect immediately upon its filing with the Secretary of State, in accordance with Section 27 of the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. -----of 20 ----- of the (County)(City)(Town)(Village) of was duly passed by the----- on -----20 , in accordance with the applicable provisions of law.

2. (Passage by local body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 20 04 of the (County) ~~(City)~~ ~~(Town)~~ ~~(Village)~~ of ERIE was duly passed by the Erie County Legislature on June 24 20 04, and was (approved) ~~(not approved)~~ ~~(repassed after disapproval)~~ by the Erie County Executive and was deemed duly adopted on July 12, 20 04, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ----- of 20 -----of the (County)(City)(Town)(Village) of ----- was duly passed by the -----on -----20 ----, and was (approved)(not approved)(repassed after disapproval) by the ----- on ----- 20 ----, Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held ----- on----- 20 ----, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

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I hereby certify that the local law annexed hereto, designated as local law No. -----of 20 ---- of the (County)(City)(Town)(Village) of----- was duly passed by the -----on ----- 20 ----, and was (approved) (not approved)(repassed after disapproval) by the ----- on ----- 20 ----, Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of ----- 20 ----, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county- wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor or a town where such officer is ves lea with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No.----- of 20 ---- of the City of ----- having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on -----20 ----, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. -----of 20 ----of the County of ----- State of New York, having been submitted to the electors at the General Election of November ----- 20 ----, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2, above.

Kevin M. Kelley
 Clerk of the County legislative body

Date: July 16, 2004

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

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ERIE COUNTY LEGISLATURE

STATE OF NEW YORK
 COUNTY OF Erie

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the: local law annexed hereto.

Melissa O'Heimerl
 Assistant County Attorney

County of Erie

Date: July 16, 2004

A Public Hearing was held on the foregoing Local Law Intro. No. 5-2004 on Friday, July 9, 2004, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 12 day of July, 2004.

JOEL A. GIAMBRA

A Public Hearing was held on the foregoing Local Law Intro. No. 5-2004 on Friday, July 9, 2004, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this day of July, 2004.

Item 144 – (Comm. 19D-5) Notice of Public Hearing -Local Law Intro. No. 8-2004.

Received and filed.

Item 145 – (Comm. 19D-6) Notice of Public Hearing – Local Law Intro. No. 9-2004.

Received and filed.

Item 146 – (Comm. 19D-7) Notice of Claims.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BUREAU OF PURCHASE

Item 147 – (Comm. 19D-8) 2nd Quarter Vehicle Purchase Orders.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 148 – (Comm. 19D-9) Memo to Legislator Marinelli Re: Lobbying Efforts.

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Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM DISS

Item 149 – (Comm. 19D-10) SAP Value-Added Scorecard.

Item 150 – (Comm. 19D-11) ERP Project – Funding.

The above two items were received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM ECC

Item 151 – (Comm. 19D-12) Notice of Meeting Held 8/16/04.

Received and filed.

FROM THE OFFICE OF THE COUNTY EXECUTIVE

Item 152 – (Comm. 19D-13) Letter to Legislator DeBenedetti Re: Personnel Reductions.

Received and filed.

FROM ECMCC

Item 153 – (Comm. 19D-14) Financial Statements for 6/04.

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 154 – (Comm. 19D-15) Notice of Meeting Held 7/29/04 & Minutes Held 6/24/04.

Received and filed.

FROM THE OFFICE OF THE SHERIFF

Item 155 – (Comm. 19D-16) Letter to Legislator DeBenedetti Re: Personnel Reductions.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE OFFICE OF THE COUNTY EXECUTIVE

Item 156 – (Comm. 19D-17) Letter from Various Departments Re: Personnel Reductions.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

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FROM THE BOARD OF ELECTIONS

Item 157 – (Comm. 19D-18) Letter to Legislator DeBenedetti Re: Personnel Reductions.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM SENIOR SERVICES

Item 158 – (Comm. 19D-19) Letter to Legislator DeBenedetti Re: Personnel Reductions.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM DEP

Item 159 – (Comm. 19D-20) SEQR – Negative Declaration – North Creek Sub-Trunk Sanitary Sewer – Town of Hamburg.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM DPW

Item 160 – (Comm. 19D-21) New Oregon Road Bridge – Town of North Collins – Project Schedule/Status Update.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 161 – (Comm. 19D-22) Notice of Public Hearing for Intro. 17-4, Contingency Fund Transfer.

Received and filed.

Item 162 – (Comm. 19D-23) NYS Department of State Filing Receipt for Local Law No. 4-2004.

Received and filed.

Item 163 – (Comm. 19D-24) Notice of County Executive's Approval of Local Law No. 5-2004.

RECEIVED, FILED & PRINTED.

County of ERIE

Local Law No. 5 of the year 2004

A local law to create an Employee Suggestion Program in Erie County.

Be it enacted by the _____ Legislature _____ of the

County of ERIE as follows:

Section 1. DEFINITIONS

- a) SUGGESTION – A definite, constructive, original idea, which has been researched and submitted in writing, by an eligible county employee on an Employee Suggestion Program Form, which is intended to result in the more efficient and economical operation of Erie County government.
- b) EUGIBLE COUNTY EMPLOYEE – All full and part-time employees who are on the active payroll of Erie County government, with the exception of Commissioners, Department Heads, Deputy Commissioners or supervisory employees who job responsibilities call for them to seek methods to improve operations and services.
- c) EMPLOYEE SUGGESTION REVIEW COMMITTEE – There shall be an Employee Suggestion Review Committee made up from the Commissioner or their designee from the affected County department, Unit Supervisor, and a department clerical person to track and maintain suggestions and records. Representatives from the Budget Department and a Union Representative will be notified of the meeting and results, but are not required to attend.
- d) EMPLOYEE SUGGESTION AWARD COMMITTEE – There shall be an Employee Suggestion Award Committee made up from the Deputy County Executive, affected department Commissioner, Labor Director, Budget Director or their representative and a staff member to maintain records and/or decisions.

Section 2. PROCEDURES

- a) All suggestions shall be submitted on an Employee Suggestion Program Form that has been properly signed and date/time stamped and shall become the exclusive property of the County of Erie. All decisions of the Review Committee and Award Committee shall be final, binding, non-reviewable and non-grieveable, except as provided by the rules and regulations promulgated by the Review Committee and Award Committee under Section 4.
- b) The Review Committee shall have the following powers and duties: to receive and review all suggestions submitted by eligible County employees within 45 days of Employee Suggestion Program Form submission; approve and coordinate the implementation of adopted suggestions; notify the employee of committee's decision; and make recommendations to the Award Committee.

- c) The Award Committee shall have the following powers and duties: review results of the implementation period; and determine and approve awards and recognitions. The decisions are final and binding -all decisions are non-grievable.
- d) Members of the Review Committee and Award Committee shall not receive any additional salary or compensation for service as members of these committees.

Section 3. AWARD TO EMPLOYEES

- a) Awards will be based upon the benefit they bring to Erie County. All eligible implemented suggestions will receive consideration for some form of recognition.
- b) The minimum monetary award for a suggestion with either tangible savings or intangible savings will be \$50. There is no maximum amount. The employee can receive 10% of the first year's savings without limit.
- c) Payment will be made to the employee upon verification of annual savings by the Budget Director. The process may take up to one year.
- d) If adoption of a suggestion results in savings to one unit but a loss to another unit, the savings would be offset by the loss. Therefore, no monetary award shall be given in this instance.
- e) Eligible County employees may make joint suggestions with other eligible County employees; however, any award will be divided equally among the employees submitting the suggestion.

Section 4. RULES AND REGULATIONS

- a) The Review Committee and the Award Committee shall make such rules and regulations as are lawful, necessary and appropriate for the proper administration of this program as it applies to their respective powers and duties, subject to the provisions of this Local Law, provided that the Legislature, by simple majority, has not voted to disapprove such rules or regulations within sixty (60) days from the Review Committee and the Award Committee's written notice to the Legislature that such rules or regulations have been promulgated.

Section 5. PROHIBITIONS

- a) No suggestion shall be considered for an award by the Award Committee unless the suggestion has been submitted to the Review Committee in the manner provided by this Local Law or rules and regulations promulgated by the Review Committee or the Award Committee under Section 4 of this Local Law.

Section 6. SEVERABILITY

- a) If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 7. EFFECTIVE DATE

- a) This Local Law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

- 1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. -----of 20 ----- of the (County)(City)(Town)(Village) of ----- was duly passed by the----- on -----20 , in accordance with the applicable provisions of law.

2. (Passage by local body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No 5 of 20 04 of the (County) ~~(City)~~ ~~(Town)~~ ~~(Village)~~ of ERIE was duly passed by the Erie County Legislature on July 15 20 04, and was (approved) ~~(not approved)~~ ~~(repassed after disapproval)~~ by the Erie County Executive and was deemed duly adopted on August 3, 20 04, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ----- of 20 -----of the (County)(City)(Town)(Village) of ----- was duly passed by the -----on -----20 ----, and was (approved)(not approved)(repassed after disapproval) by the ----- on ----- 20 ----, Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held ----- on----- 20 ----, in accordance with the applicable provisions of law.

- 4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

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I hereby certify that the local law annexed hereto, designated as local law No. -----of 20 ---- of the (County)(City)(Town)(Village) of----- was duly passed by the -----on ----- 20 ----, and was (approved) (not approved)(repassed after disapproval) by the ----- on ----- 20 ----, Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of ----- 20 ----, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county- wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor or a town where such officer is ves lea with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No.----- of 20 ---- of the City of ----- having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on -----20 ----, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. -----of 20 ----of the County of ----- State of New York, having been submitted to the electors at the General Election of November ----- 20 ----, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2, above.

Kevin M. Kelley
 Clerk of the County legislative body

Date: August 9, 2004

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

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STATE OF NEW YORK
 COUNTY OF Erie

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the: local law annexed hereto.

Melissa O'Heimerl
 Assistant County Attorney

County of Erie

Date: August 10, 2004

A Public Hearing was held on the foregoing Local Law Intro. No. 5-2004 on Friday, July 9, 2004, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby APPROVE and SIGN said Local Law this 3 day of August, 2004.

JOEL A. GIAMBRA

A Public Hearing was held on the foregoing Local Law Intro. No. 5-2004 on Friday, July 9, 2004, due notice thereof having been published in the official newspapers of the County of Erie designated for this purpose, and after due deliberation thereon, I, JOEL A. GIAMBRA, County Executive of Erie County, do hereby DISAPPROVE and VETO said Local Law this day of July, 2004.

FROM DISS – FLEET SERVICES

Item 164 – (Comm. 19D-25) 2nd Quarter Review.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 165 – (Comm. 19D-26) Letter to Chairman Holt Re: Proposed Amendments to 2004 Adopted Budget.

Received and filed.

Item 166 – (Comm. 19D-27) Letter to Chairman Holt Declaring Amendments to Adopted 2004 Budget Null & Void.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM ECC

Item 167 – (Comm. 19D-28) Notice of Meeting Held 8/25/04.

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Received and filed.

FROM THE COUNTY ATTORNEY

Item 168 – (Comm. 19D-29) Notice of Claims.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM MENTAL HEALTH

Item 169 – (Comm. 19D-30) 2004-06 Local Government Plan for Mental Retardation/
Developmental Disabilities.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM ECC

Item 170 – (Comm. 19D-31) Notice that Trustees Meeting has Been Canceled.

Received and filed.

FROM SOCIAL SERVICES

Item 171 – (Comm. 19D-32) Copy of Resignation Letter from Commissioner Kevin Helfer to
County Executive.

Received and filed.

THE COUNTY ATTORNEY

Item 172 – (Comm. 19D-33) NYS Department of State Filing Receipt for Local Law No.5-
2004.

Received and filed.

FROM ECMCC

Item 173 – (Comm. 19D-34) Notice of Meeting Held 9/7/04 & Minutes of Meeting Held
7/29/04.

Received and filed.

Item 174 – (Comm. 19D-35) Financial Statements for 7/04.

Received and referred to the HUMAN SERVICES COMMITTEE.

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FROM COUNTY ATTORNEY

Item 175 – (Comm. 19D-36) Resolution of Board of Directors of ETASC.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 176 – (Comm. 19D-37) ECMC Public Benefit Corporation – Transition Period.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 177 – (Comm. 19D-38) Notice of Change of September Session Dates.

RECEIVED, FILED & PRINTED.

September 3, 2004

To: All Erie County Legislators
 From: Kevin M. Kelley, Clerk of the Legislature
 Subject: CHANGE IN SESSION DATE

PLEASE TAKE NOTICE that pursuant to Rule 2.01 of the *RULES OF ORDER* of the Erie County Legislature and under the direction of Chairman George A. Holt, Jr., the Session of the Erie County Legislature originally scheduled for September 9, 2004 has been changed.

Chairman Holt has rescheduled that session for **Wednesday, September 15, 2004 at 2:00 p.m.** in the new Erie County Legislative Chambers, 92 Franklin Street, 4th floor, Buffalo, New York.

This change will not affect any other previously scheduled Session dates.

Be advised that the clock-in deadline for items to be considered at the September 15th Session will be before 11:00 a.m. on Monday, September 13, 2004.

ATTACHMENT – 1

c: Hon. Joel A. Giambra, County Executive (*w/Attachment*)
 Hon. Frank J. Clark, District Attorney (*w/Attachment*)
 Hon. Patrick M. Gallivan, Sheriff (*w/Attachment*)
 Hon. Nancy A. Naples, Comptroller (*w/Attachment*)
 Hon. David I. Swarts, County Clerk (*w/Attachment*)
 Other Interested Parties (*w/Attachment*)

BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 178 – (Comm. 19D-39) Notice of Trustees Meeting Held 9/9/04 & Minutes of Meeting Held 7/15/04.

Received and filed.

FROM DPW

Item 179 – (Comm. 19D-40) Follow-Up to Report of Special Grand Jury & Aurora Highway Division Final Audit.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM PERSONNEL

Item 180 – (Comm. 19D-41) Follow-Up to Report of Special Grand Jury.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BUREAU OF PURCHASE

Item 181 – (Comm. 19D-42) Deviation From Purchasing Procedures.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM LABOR RELATIONS

Item 182 – (Comm. 19D-43) Follow-Up to Report of Special Grand Jury.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM BUDGET, MANAGEMENT & FINANCE

Item 183 – (Comm. 19D-44) Copy of Letter to Comptroller Re: ECMCC.

Item 184 – (Comm. 19D-45) Letter to Legislator DeBenedetti Re: Requests for ECMC Accounts Receivable & Payable Information.

Item 185 – (Comm. 19D-46) Letter to Legislator DeBenedetti Re: Response to Medicaid Inquiry.

Item 186 – (Comm. 19D-47) Background on 2005 Budget Preparation.

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The above four items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE ERIE COUNTY WATER AUTHORITY

Item 187 – (Comm. 19M-1) Memorandum of Understanding with Buffalo Water Board.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE TOWN OF AURORA

Item 188 – (Comm. 19M-2) Certified Resolution Re: ECSD No. 3.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE INTER-COUNTY ASSOCIATION OF WNY

Item 189 – (Comm. 19M-3) Meeting Notice -8/20/04.

Received and filed.

FROM THE LEGAL AID BUREAU OF BUFFALO

Item 190 – (Comm. 19M-4) Request to Retain 2003 Surplus Funds.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 191 – (Comm. 19M-5) Copy of 2003 Financial Statement, 2003 Annual Report & Minutes of Board Meeting Held 6/22/04.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE BUFFALO COMMON COUNCIL

Item 192 – (Comm. 19M-6) Certified Resolution Re: Emergency Law Enforcement Assistance.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE TOWN OF NEWSTEAD

Item 193 – (Comm. 19M-7) Certified Resolution Re: Medicaid.

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Received and filed.

FROM THE NYS PUBLIC SERVICE COMMISSION

Item 194 – (Comm. 19M-8) Receipt of Resolution.

Received and filed.

FROM CONGRESSMAN QUINN

Item 195 – (Comm. 19M-9) Receipt of Resolution.

Received and filed.

FROM THE AID TO INDIGENT PRISONERS SOCIETY –
ASSIGNED COUNSEL PROGRAM

Item 196 – (Comm. 19M-10) 2nd Quarter Report.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM FULTON COUNTY

Item 197 – (Comm. 19M-11) Certified Resolution Re: Medicaid.

Received and filed.

FROM SENATOR VOLKER

Item 198 – (Comm. 19M-12) Receipt of Resolution.

Received and filed.

FROM CONGRESSMAN QUINN

Item 199 – (Comm. 19M-13) Receipt of Resolution.

Received and filed.

FROM THE NYS REAL PROPERTY SERVICES

Item 200 – (Comm. 19M-14) List of Certified 2004 State Equalization Rates.

Item 201 – (Comm. 19M-15) List of Certified 2004 State Equalization Rates.

Item 202 – (Comm. 19M-16) List of Certified 2004 State Equalization Rates.

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The above three items were received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM SENATOR RATH

Item 203 – (Comm. 19M-17) Receipt of Resolution.

Received and filed.

FROM THE CITY OF BUFFALO
DEPARTMENT OF ASSESSMENT & TAXATION

Item 204 – (Comm. 19M-18) Transit Mall Service Charge Roll.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE LEAGUE OF WOMEN VOTERS

Item 205 – (Comm. 19M-19) At Taxpayers Expense: How Government Policies Encourage Sprawl in Erie & Niagara Counties.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE TOWN OF CLARENCE

Item 206 – (Comm. 19M-20) Copy of Letter to Senator Rath Re: A.9924.

Received and referred to the HUMAN SERVICES COMMITTEE.

FROM THE CITY OF BUFFALO DPW

Item 207 – (Comm. 19M-21) Copy of Letter to Legislator Smith Re: Capital Improvements in City Parks.

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM NFTA

Item 208 – (Comm. 19M-22) Minutes of Meeting Held 7/28/04

Received and filed.

FROM THE NYS REAL PROPERTY SERVICES

Item 209 – (Comm. 19M-23) List of Certified 2004 State Equalization Rates.

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Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BUFFALO FISCAL STABILITY AUTHORITY

Item 210 – (Comm. 19M-24) Review of Four-Year Financial Plan for Fiscal Years Ending 2005-2008.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LYNDA STEPHENS

Item 211 – (Comm. 19M-25) Letter to Chairman Holt Re: ECWA Proposed Consolidation with Buffalo Water Authority.

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM THE WESTERN ERIE CANAL HERITAGE
CORRIDOR PLANNING COMMISSION

Item 212 – (Comm. 19M-26) Western Erie Canal Heritage Corridor Management Plan.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE ESSEX COUNTY BOARD OF SUPERVISORS

Item 213 – (Comm. 19M-27) Certified Resolution in Support of Senate Bill 7539.

Received and filed.

FROM NYSDEC

Item 214 – (Comm. 19M-28) Receipt of Resolution.

Received and filed.

FROM THE TOWN OF NEWSTEAD

Item 215 – (Comm. 19M-29) Certified Resolution Re: Re-Certification of Agricultural Districts.

Received and filed.

FROM THE ALLEGANY COUNTY BOARD OF LEGISLATORS

Item 216 – (Comm. 19M-30) Certified Resolution.

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Received and filed.

FROM THE NYS REAL PROPERTY SERVICES

Item 217 – (Comm. 19M-31) List of Certified 2004 State Equalization Rates.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM NFTA

Item 218 – (Comm. 19M-32) 17A Report & Capital Expenditure Reports for 1st Quarter of FY Ending 3/31/05.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE CITIZENS REGIONAL TRANSIT CORPORATION

Item 219 – (Comm. 19M-33) Expand Metrorail Now.

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM PAUL SULLIVAN

Item 220 – (Comm. 19M-34) FOIL Request.

Received and filed.

FROM THE REGION 9 FOREST PRACTICE BOARD

Item 221 – (Comm. 19M-35) Notice of Meeting Held 9/2/04.

Received and filed.

FROM SENATOR VOLKER

Item 222 – (Comm. 19M-36) Receipt of Resolution.

Received and filed.

Item 223 – (Comm. 19M-37) Receipt of Resolution.

Received and filed.

FROM THE TOWN OF EDEN

Item 224 – (Comm. 19M-38) Certified Resolution.

Received and filed.

FROM NFTA

Item 225 – (Comm. 19M-39) Announcing Annual Report Now Online.

Received and filed.

FROM THE NYS REAL PROPERTY SERVICES

Item 226 – (Comm. 19M-40) List of Certified 2004 State Equalization Rates.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE NYS POWER AUTHORITY

Item 227 – (Comm. 19M-41) Notice of Updates to Niagara Relicensing Website.

Received and filed.

FROM SENATOR VOLKER

Item 228 – (Comm. 19M-42) Receipt of Resolution.

Item 229 – (Comm. 19M-43) Receipt of Resolution.

The above two items were received and filed.

FROM NFTA

Item 230 – (Comm. 19M-44) Minutes of Meeting Held 7/26/04.

Received and filed.

FROM SENATOR VOLKER

Item 231 – (Comm. 19M-45) Receipt of Resolution.

Received and filed.

FROM THE MENTAL HYGIENE COMMUNITY SERVICES BOARD

Item 232 – (Comm. 19M-46) Notice of Meeting to be Held 9/16/04 & Minutes of Meeting Held 7/15/04.

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Received and filed.

FROM THE ERIE COUNTY POMONA GRANGE #6

Item 233 – (Comm. 19M-47) Certified Resolution Opposing ECC Merger.

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

FROM THE NYS COMMISSION OF CORRECTION

Item 234 – (Comm. 19M-48) Copy of Letter to Sheriff Re: Requests for Variance at Holding Center & Correctional Facility.

Received and referred to the PUBLIC SAFETY COMMITTEE.

FROM THE CSEA LOCAL 815

Item 235 – (Comm. 19M-49) Request to Review List of Recent Lay-Offs.

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE BOARD OF HEALTH

Item 236 – (Comm. 19M-50) Notice of Meeting to be Held 9/30/04 & Minutes of 5/27/04 Meeting.

Received and filed.

FROM HAMILTON COUNTY

Item 237 – (Comm. 19M-51) Certified Resolution Re: Medicaid.

Received and filed.

FROM THE TOWN OF CHEEKTOWAGA

Item 238 – (Comm. 19M-52) Certified Resolution Re: Rodent Control.

Received and referred to the HUMAN SERVICES COMMITTEE.

MEMORIAL RESOLUTIONS

Item 239 – Mr. Dusza requested that when the Legislature adjourns, it do so in memory of Sharon Sienkiewicz.

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Item 240 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Mr. Leaderstore.

Item 241 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Eleanor Harrity.

Item 242 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Jim Burke.

Item 243 – Ms. Chase requested that when the Legislature adjourns, it do so in memory of Mrs. Barrett.

Item 244 – Mr. Holt requested that when the Legislature adjourns, it do so in memory of Carmen P. Tarantino.

ADJOURNMENT

Item 245 – At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. MARINELLI moved that the Legislature adjourn until 2 p.m. Thursday, September 23, 2004. MR. McCARVILLE seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Thursday, September 23, 2004 at 2 p.m. Eastern Standard Time.

KEVIN M. KELLEY
CLERK